

REMARKS

Applicants thank the Examiner for the courtesies extended in a July 9, 2010 telephone interview. During the interview, the parties discussed additional claim amendments to further prosecution of the case. Applicants herein amend Claim 1 to reflect that the composition comprises 0.185 wt % to 2.8 wt % ionizable zinc salt and 75 wt % to 99.815 (100 wt % - 0.185 wt %) carrier. Additional claim amendments are made to obviate objections raised by the Examiner during the interview.

In the April 14, 2010 Office Action, claim 14 was rejected only under the doctrine of non-statutory obvious type double patenting. Claim 11 has been amended to include all of the limitations of claim 14. After entry of the amendments presented herein, claim 11, and claims 16-19, 22, 41, 43, and 45-51 that include the limitations of claim 11 are pending in the application. In view of the amendments and remarks set forth herein, Applicants respectfully request allowance of all pending claims.

Non-Statutory Obvious Type Double Patenting

Various claims stand rejected on the ground of nonstatutory obvious-type double patenting. Applicants herewith submit a terminal disclaimer to obviate these rejections. Because these were the only rejections to claim 14 and claim 11 has been amended to include all of the limitations of claim 14, Applicants submit that claim 11 and claims 16-19, 22, 41, 43, and 45-51 that include the limitations thereof are patentable.


CONCLUSION

In view of the foregoing remarks and amendments, Applicants earnestly request allowance of all pending claims. The undersigned requests a telephone call at the telephone number listed below if, for any reason, the Examiner deems one or more of the pending claims unpatentable.

Applicants authorize and respectfully request that any extension of time fees due be charged to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Respectfully submitted,

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By: 
Cynthia L. Pillote
Reg. No. 42,999

SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202
Phone: (602) 382-6296
Fax: (602) 382-6070
cpillote@swlaw.com